

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0066 ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

CLINTON D. ROOT,

Defendant and Appellant.

MOTION TO VOLUNTARILY DISMISS APPEAL

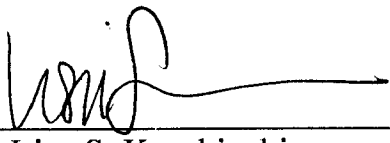
COMES NOW, Defendant and Appellant Clinton D. Root, by and through his counsel of record, Lisa S. Korchinski, and moves to voluntarily dismiss his appeal in the above entitled cause.

Appellant makes this motion pursuant to Rule 36, M.R. App. P., on the grounds and for the reason that the Appellant does not wish to continue with his appeal. See, Exhibit A, Appellant's Affidavit.

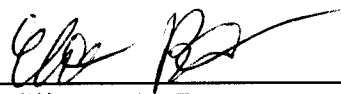
Assistant Attorney General Mark Mattioli has been contacted regarding this motion and does not object.

Respectfully submitted this 14th day of June, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
301 South Park, Room 568
P.O. Box 200145
Helena, MT 59620-0145

By: 
Lisa S. Korchinski
Assistant Appellate Defender

6/1/2010
DATE

By: 
Clinton D. Root
Defendant/Appellant

6-10-10
DATE

AFFIDAVIT


STATE OF MONTANA)
 : ss.

County of Silver Bow)

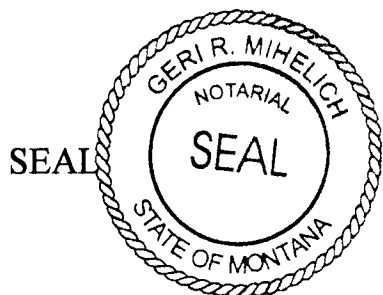
I, Clinton D. Root, Appellant in the above referenced case, being first duly sworn upon by oath, depose and state as follows:

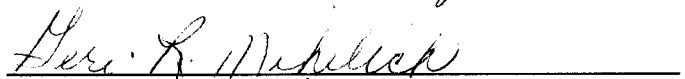
1. I spoke with my attorney, Lisa S. Korchinski, about my case. We discussed it at length, including my appeal and other options.
2. I have asked the Appellate Defender Office to file a motion to dismiss on my behalf.
3. I acknowledge that I have had sufficient communication with my attorney, and am satisfied with the advice she has given me. Nevertheless, I have decided to ask for dismissal of my appeal.

Respectfully submitted this 10th day of June, 2010.


Clinton D. Root
Appellant/Defendant

SUBSCRIBED AND SWORN to before me this 10th day of June, 2010.




Geri R. Mihelich
Printed Name:
Notary Public for the State of Montana
Residing at Butte, MT
My commission expires June 16, 2010

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion to Voluntarily Dismiss Appeal to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

MITCHELL A. YOUNG
Lake County Attorney
106 Fourth Avenue East
Polson, MT 59860

Clinton D. Root 3004121
Butte Pre-release Center
62 West Broadway #64
Butte, MT 59701

DATED: 10/14/10 Rachel Smith